

BLACK MOUNTAIN UTILITY DISTRICT

P.S.C. Ky. No. 95-194

Cancels P.S.C. Ky. No.

RECEIVED

FEB 13 1996

Black Mountain Utility District

PUBLIC SERVICE
COMMISSION

OF

Harlan, Kentucky

Rates, Rules and Regulations for Furnishing
WATER SERVICES

AT

HARLAN COUNTY, KY. AREA ENCOMPASSED WITHIN THE
BOUNDRIES OF BLACK MOUNTAIN UTILITY DISTRICT.

Filed with PUBLIC SERVICE COMMISSION OF
KENTUCKY

ISSUED SEPTEMBER 1, 1995 ~~1995~~ ¹⁹⁹⁶ PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

EFFECTIVE SEPTEMBER 1, 1996 19

MAY 30 1996

ISSUED BY Black Mountain Utility District

(Name of Utility)

PURSUANT TO 807 KAR 5.011,
SECTION 9 (1)

BY: Jordan C. Neel
FOR THE PUBLIC SERVICE COMMISSION

BY Eddie Penley
EDDIE PENLEY
Chairman

BLACK MOUNTAIN UTILITY DISTRICT

BEGINNING at the intersection of Kentucky Route 38, and the Harlan City Limits; thence following the City Limits and a direct line in a northwesterly direction 4000 feet more or less to the top of Black Mountain; thence with the top of Black Mountain as it meanders in northeasterly direction opposite the Verda community, Evarts, Shields community, Louellen, Black Bottom, Closplint, Rileyville, Georgetown to the Virginia State line, a total distance of approximately 150,000 feet; thence leaving Black Mountain and following the Kentucky-Virginia State line in a southerly direction, a distance of 4000 feet more or less to the top of Little Black Mountain; thence continuing with the top of Little Black Mountain and the Kentucky-Virginia State line in a westerly direction 84,000 feet more or less; thence leaving the Kentucky-Virginia State line following the top of Little Black Mountain in a westerly direction 70,000 feet; thence leaving the top of Little Black Mountain in a northwesterly direction 7,500 feet to the point of BEGINNING.

This also includes the Right Fork of the Little Black Mountain Highway 215. This starts where the City of Evarts Water Service Ends at Redbud or Pounding Mill and extends up Highway 215 to the end of State Road, taking in the Kenvir, Kentucky and Dizney, Kentucky areas.

THERE IS EXCLUDED the town of Evarts and any area that the City of Harlan now serves in the vicinity of Kitts.

THE ONLY FACILITIES OF THE DISTRICT PRESENTLY IN OPERATION ARE WATER FACILITIES IN THE LOUELLEN CLOVER/DARBY AREA.

The District has received approval in Case no. 9838, for approval of the acquisition and construction of additional facilities, both water and sewer.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 15 1988

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: Sharon L. Hill
PUBLIC SERVICE COMMISSION MANAGER

FOR Black Mountain Utility District
Community, Town or City

P.S.C. KY. NO. _____

_____ SHEET NO. _____

Black Mountain Utility District
(Name of Utility)

CANCELLING P.S.C. KY. NO. _____

_____ SHEET NO. _____

RATES AND CHARGES

Water Rate A

For the following systems served under PWS# 0480265 – Coxton/Kitts; PWS# 0480277 – Dayhoit;
PWS# 0480461 – Sukey Ridge; PWS# 0480650 – Rosspoint

First 2,000 gallons
Over 2,000 gallons

\$20.46 Minimum Bill
7.23 Per 1,000 Gallons

Wholesale Rate

\$3.91 Per 1,000 Gallons

Water Rate B

For the following systems served under PWS# 0480498 and PWS# 0480603

First 2,000 gallons
Over 2,000 gallons

\$16.21 Minimum Bill
5.11 Per 1,000 Gallons

DATE OF ISSUE April 27, 2004
Month / Date / Year

DATE EFFECTIVE April 7, 2004
Month / Date / Year

ISSUED BY *Wickie L. Rhymmer*
(Signature of Officer)

TITLE Bonded Chairwoman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. 2004-00038 DATED April 7, 2004

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

APR 07 2004

PURSUANT TO 807 KAR 5.011
SECTION 9(1)

BY *Charles L. Brown*
EXECUTIVE DIRECTOR

FOR Black Mountain Utility District
Community, Town or City

P.S.C. KY. NO. _____

_____ SHEET NO. _____

Black Mountain Utility District
(Name of Utility)

CANCELLING P.S.C. KY. NO. _____

_____ SHEET NO. _____

RATES AND CHARGES

Water Rate A

For the following systems served under PWS# 0480265 – Coxton/Kitts; PWS# 0480277 – Dayhoit;
PWS# 0480461 – Sukey Ridge; PWS# 0480650 - Rosspoint

~~First 2,000 gallons~~ ~~\$17.04 Minimum Bill~~
~~Over 2,000 gallons~~ ~~6.02 Per 1,000 gallons~~
~~Wholesale Rate~~ ~~3.25 per 1,000 Gallons~~

Water Rate B

For the following systems served under PWS# 0480498 and PWS# 0480603

~~First 2,000 gallons~~ ~~\$13.50 Minimum Bill~~
~~Over 2,000 gallons~~ ~~4.25 Per 1,000 gallons~~

Tap Fee \$400.00

DATE OF ISSUE _____
Month / Date / Year

DATE EFFECTIVE _____

ISSUED BY Sherry A. Ayers Month / Date / Year
(Signature of Officer)

TITLE Chairperson

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION
IN CASE NO. 2003-00410 DATED 11-21-03

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

NOV 01 2003

PURSUANT TO 307 KAR 5.011
SECTION 9(1)

BY Charles L. Brown
EXECUTIVE DIRECTOR

FOR Black Mountain Utility District

P.S.C. Ky. No. 95-194

2 Sheet No. 1

Black Mountain Utility District

Cancelling P.S.C. Ky. No. _____

Sheet No. _____

RULES AND REGULATIONS

RULES AND REGULATIONS
BLACK MOUNTAIN UTILITY DISTRICT

The following rules and regulations are hereby adopted, subject to change by the District Board of Commissioners (the "Commission") at any time, subject to approval of the Public Service Commission through the filing of revised tariff sheets with the PSC. These rules and regulations are intended to supplement the Bond Resolution, the Rate Resolution, and the By-Laws.

- A. All taps and connections to the water mains and sewer lines of the District shall be made by and/or under the direction and supervision of District personnel.
- B. Water service may be discontinued by the District for, upon 10 days' written notice (except that in the event of a violation under Item 7 below, water service may be terminated immediately), any violation of any rule, regulation, or condition, and especially for any of the following reasons:
 1. Misrepresentation in the application or contract as to the property or fixtures to be supplied or additional use to be made of water and/or sewer facilities.
 2. Failure to report to the District additions to the property or fixtures to be supplied or additional use to be made of water. PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE
 3. Resale of water.
 4. Waste or misuse of water due to improper or imperfect service pipes and/or failure to keep such pipes in a suitable state of repair. MAY 30 1996
PURSUANT TO 807 KAR 5.011,
SECTION 9 (1)
 5. Tampering with water, water seal, service, or valves, or permitting such tampering by others. BY: Jordan C. Neel
PUBLIC SERVICE COMMISSION

DATE OF ISSUE

Month Day Year

DATE EFFECTIVE

Month Day Year

ISSUED BY Eddie Penley
Name of Officer

Chairman- P.O. Box 612, Evarts, Kentucky 40828
Title Address

FOR Black Mountain Utility District

P.S.C. Ky. No. 95-194

8 Sheet No. 2

Black Mountain Utility District

Cancelling P.S.C. Ky. No. _____

Sheet No. _____

RULES AND REGULATIONS

6. Connection, cross-connection, or permitting the same, of any separate water supply to premises which receive water from the District.
7. When a dangerous condition is found to exist on the customer's or applicant's premises, with reference to the continuation of water service, water service shall be cut off without notice or shall be refused, provided the District shall notify the customer or applicant immediately of the reasons for the discontinuance or refusal and the correction action to be taken by the applicant or customer before service can be restored. Action will be taken in accordance with 807KAR5:006, Section 14(b).
- C. Any customer desiring to discontinue the water service to his premises for any reason must give notice of discontinuance in person or in writing at the business office of the District at least three (3) days prior to the date on which the customer desires to discontinue service, and the customer shall not be liable for water consumed beyond the date of discontinuance stated in such notice; if such notice in person or in writing is not given, a customer shall remain liable for all water used and service rendered to such premises by the District until such notice is received by the District. Notice can be given by phone as well as set out in 807KAR5:006, Section 12.
- D. Bills and notices relating to the conduct of the business of the District will be mailed to the customer at the address listed on the user's agreement unless a change of address has been filed in writing with the District; and the District shall not otherwise be responsible for delivery of any bill or notice nor will the customer be excused from the payment of any bill or any performance required in said notice.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

MAY 30 1996

PURSUANT TO 807 KAR 5:011,
SECTION 8 (1)

DATE OF ISSUE

Month Day Year

DATE EFFECTIVE

Month Day Year

BY: Jordan C. Neel
FOR THE PUBLIC SERVICE COMMISSION

ISSUED BY Eddie Penley

Name of Officer

Chairman - P.O. Box 612, Evarts, Kentucky 40828

Title

Address

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVEP.S.C. Ky. No. 95-1948 Sheet No. 3Black Mountain Utility District SEP 17 1997

Cancelling P.S.C. Ky. No. _____

PURSUANT TO 807 KAR 5:011, _____ Sheet No. _____

SECTION 9(1)

BY: EDDIE PENLEY SECRETARY
RULES AND REGULATIONS

SECRETARY OF THE COMMISSION

- E. 1. Multiple users on one meter. Where two or more tenants or occupants (of different rental units) of property, including duplexes, apartment houses, mobile home parks, trailer parks, or other multi-unit premises, are served by a single water meter, the rates and charges shall be computed by dividing the number of gallons of water registered by such single meter by the number of units being served by such meter and then applying the result thus obtained to the water rate schedule set out in Section 2 above, to arrive at the monthly bill. The owner or operator of the property has to pay the total monthly water bill for such property. In no event shall the monthly bill applicable to each unit be less than the minimum water rate stipulated in Section 2 above.
2. Bills for water and sewer services are due and payable at the office of the District, or to any designated agent, on the date of issue. The past due date will be the 10th day of the month after date of issue. Bills will be dated and mailed between the 25th and 30th of each month.
3. All bills not paid on or before the past due date shall be deemed delinquent. When a bill is deemed delinquent a 10% late charge will be added to the amount due. When a bill has been delinquent for a period of twenty days, the District shall serve the customer a written final notice of said delinquency, and of the intent of the District to discontinue service ten days after the date of such notice unless such bill is paid prior to the expiration of such ten days. If a delinquent bill is not paid within ten days after the date of such final notice (thirty days from the past due date) the water supply to the customer may be discontinued without further notice; provided, however, if, prior to the discontinuance of service, there is delivered to the District, or its employees empowered to discontinue service, a written certificate signed by a physician, a registered nurse, or a public health officer, that in the opinion of the certifier, discontinuance of service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued for 30 days beyond the termination date.
807KAR5:006 Section 14 (2) (c).
- F. Where the water supply to the customer has been discontinued for non-payment of delinquent bills, a charge of \$25.00 will be made for reconnection of water services, but the reconnect will not be made until all delinquent bills and other charges if any, owed by a customer to the District have been paid.

DATE OF ISSUE _____
Month Day YearDATE EFFECTIVE _____
Month Day YearISSUED BY Eddie Penley Chairman - P.O. Box 612, Evarts, Kentucky 40828
Name of Officer Title Address

Black Mountain Utility District

(NAME OF UTILITY)

FOR HARLAN COUNTY

(COMMUNITY OR COUNTY)

P.S.C. KY. NO. 95-194

9 SHEET NO. 4

CANCELING P.S.C. KY. NO. _____

8 SHEET NO. 4

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

CLASSIFICATION OF SERVICE

JUL 28 1997

G.

PURSUANT TO 807 KAR 5.011,
SECTION 9(1)

EQUAL DEPOSITS

BY: Jordan C. Neal
FOR THE PUBLIC SERVICE COMMISSION

All (Insert either Residential, Business, or All) customers will pay equal deposits in the amount of \$ 50.00. This amount does not exceed two-twelfths (2/12) of the average annual bill of customers in the class where bills are rendered monthly, three-twelfths (3/12) where bills are rendered bimonthly, or four-twelfths (4/12) where bills are rendered quarterly. Upon the payment of such deposit, the District shall issue to such customer a certificate of deposit, showing the name of the customer, the location of the initial premises occupied by the customer, and the date and amount of the deposit. Interest, as prescribed by KRS 278.460, will be paid annually either by refund or credit to the customer's bill, except that no refund or credit will be made if the customer's bill is delinquent on the anniversary date of the deposit.

- H. All meters shall be installed, renewed, and maintained at the expense of the District, and the District reserves the right to determine the size and type of meter used.
- I. It shall be the policy of the District to test each water meter at least once every 10 years. In addition, upon written request of any customer, the meter serving such customer shall be tested by the District. Such test will be made without charge to the customer if the meter has not been tested within 12 months preceding the requested test; otherwise, a charge of \$2.00 will be made and then only if the test indicates meter accuracy within the limits of 2%.

If a meter is inaccurate in excess of 2%, whether upon periodic testing or upon requested testing, additional tests shall be made at once to determine the average error of the meter, and the adjustments shall be made in the customer's water bills as follows:

DATE OF ISSUE _____

DATE EFFECTIVE _____

ISSUED BY Edie R. Ray MONTH DAY YEAR

SIGNATURE OF OFFICER

Chairman P.O. Box 612, Smith, Kentucky 40828

TITLE

ADDRESS

FOR Black Mountain Utility District

P.S.C. Ky. No. 95-194

8 Sheet No. 5

Black Mountain Utility District

Cancelling P.S.C. Ky. No. _____

Sheet No. _____

RULES AND REGULATIONS

1. If the result of such tests shows an average error greater than 2% fast, the customer's bill for the period during which the meter error is known to have existed, shall be recomputed and the account adjusted on the basis of the test. If the period during which the meter error existed cannot be determined, then the customer's bill shall be recomputed for one-half (1/2) of the elapsed time since the last previous test, but in no event to exceed 12 months; provided, however, that if time for the periodic test has overrun to the extent that 1/2 of the time elapsed since the last previous test exceeds 12 months, the refund shall be for the 12 months specified above, plus those months exceeding the periodic test period; provided, further, that such refund may be limited to the 12 month period if failure to make the periodic test was due to causes beyond the control of the District.

2. If the result of such tests shows an average error greater than 2% slow, the customer's bill for the period during which the meter error is known to have existed, shall be recomputed and the account adjusted on the basis of the test. If the period during which the meter error existed cannot be determined, then the customer's bill shall be recomputed for one-half (1/2) of the elapsed time since the last previous test, but in no event to exceed 12 months.

3. If the result of such tests necessitates making a refund or back billing a customer, the customer shall be notified in writing of the percentage of error, fast or slow, the date(s) of testing, and the amount of charge or credit to be shown on the next bill of the customer.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

Adjustments will be made in accordance with
807 KAR 5:006, Section 10(2).

MAY 30 1996

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

DATE OF ISSUE _____
Month Day Year

DATE EFFECTIVE _____
Month Day Year

ISSUED BY Eddie Penley
Name of Officer

Chairman - P.O. Box 612, Evarts, Kentucky 40828
Title Address

FOR Black Mountain Utility District

P.S.C. Ky. No. 95-194

8 Sheet No. 6

Black Mountain Utility District

Cancelling P.S.C. Ky. No. _____

Sheet No. _____

RULES AND REGULATIONS

- J. Where a meter has ceased to register, or meter reading could not be obtained, the quantity of water consumed will be based upon an average of the prior six months consumption and the conditions of water service prevailing during the period in which the meter failed to register.
- K. The District shall make all reasonable efforts to eliminate interruption of service and when such interruptions occur will endeavor to reestablish service with the shortest possible delay. When the service is interrupted all consumers affected by such interruption will be notified in advance whenever it is possible to do so.
- L. The District shall in no event be held responsible for any claim made against it by reason of the breaking of any mains or service pipes or by reason of any other interruption of the supply of water caused by the failure of machinery or stoppage for necessary repairs. No person shall be entitled to damages nor for any portion of a payment refunded for any interruption of service which in the opinion of the District may be deemed necessary.
- M. Customers having boilers and/or pressure vessels receiving a supply of water from the District must have a check valve on the water supply line and a vacuum valve on the stream line to prevent collapse in case the water supply from the District is discontinued or interrupted for any reason, with or without notice.
- N. The premises receiving a supply of water and all water and sewer service lines, meters and fixtures, including any fixtures within said premises, shall at all reasonable hours be subject to inspection by the District.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

MAY 30 1996

DATE OF ISSUE _____
Month Day Year

DATE EFFECTIVE _____
Month Day Year

PURSUANT TO 807 KAR 5.011.

SECTION 9(1)
BY: Jordan C. Neal

ISSUED BY Eddie Penley
Name of Officer

Chairman - P.O. Box 612, Evansville, Kentucky 40820
Title Address

FOR Black Mountain Utility District

P.S.C. Ky. No. 95-194

8 Sheet No. 7

Black Mountain Utility District

Cancelling P.S.C. Ky. No. _____

Sheet No. _____

RULES AND REGULATIONS

- O. Piping and sewers on the premises of a customer must be so installed that connections are conveniently located with respect to the District lines and mains. The customer shall provide a place for water metering which is unobstructed and accessible at all times.
- P. 1. An extension of fifty (50) feet or less to the District's water distribution main shall be made without charge (other than the prescribed standard connection charge) for a prospective customer who shall apply for and contract to use service for one (1) year or more and who provides a guarantee for such service.
2. For each extension to the District's water distribution main in excess of fifty (50) feet, the District shall require the customer to whose premises such extension is made to deposit with the District the total cost of the excessive footage over fifty (50) feet, based on the average estimated cost per foot of the total extension. Such deposit may be refundable to the customer in certain instances, in accordance with Title 807 KAR 5:066, Section 11(2(a)).
- Q. If any loss or damage to the property of the District or any accident or other injury to persons or property is caused by or results from the negligence or wrongful action of the customer, member of his household, his agent, or employee, as determined by a court of law having jurisdiction over the parties, the cost of the necessary repairs or replacements shall be paid by the customer to the District, and any liability otherwise resulting shall be that of the customer.

MAY 30 1996

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: Jordan C. Neal
FOR THE PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

DATE OF ISSUE _____
Month Day Year

DATE EFFECTIVE _____
Month Day Year

ISSUED BY Eddie Penley Chairman - P.O. Box 612, Evarts, Kentucky 40828
Name of Officer Title Address

FOR Black Mountain Utility District

P.S.C. Ky. No. 95-194

8 Sheet No. 8

Cancelling P.S.C. Ky. No. _____

Sheet No. _____

Black Mountain Utility District

RULES AND REGULATIONS

- R. Water furnished by the District may be used for domestic consumption by the customer, member of his household, and employees only. The customer shall not sell the water to any other person.
- S. All customers shall grant or convey, or shall cause to be granted or conveyed, to the District a perpetual easement and right of way across any property owned or controlled by the customer wherever said easement or right of way is necessary for the District water and/or sewer facilities and lines so as to be able to furnish service to the customer.
- T. Upon complaint to the utility by a customer at the utilities office, by phone or in writing, the utility shall make a prompt and complete investigation and advise the complainant of its findings. The utility shall keep a record of all written complaints concerning its service. This record shall show the name and address of the complainant, the date and nature of the complaint, and the adjustment or disposition of the complaint. Records shall be maintained for two (2) years from the date of resolution of the complaint. If a written complaint or a complaint made in person at the utility's office is not resolved, the utility shall provide written notice to the complainant of his right to file a complaint with the commission, and shall provide him with the address and telephone number of the commission. If a telephonic complaint is not resolved, the utility shall provide at least one oral notice to the complainant of his right to file a complaint with the commission and the address and telephone number of the commission.

In accordance with 807 KAR 5:006. Section MAY 30 1996

PURSUANT TO 807 KAR 5:011,

SECTION 9(1)

DATE OF ISSUE _____
Month Day Year

DATE EFFECTIVE _____
BY Jordan C. Neel
Month Day Year
FOR THE PUBLIC SERVICE COMMISSION

ISSUED BY Eddie Penley
Name of Officer

Chairman - P.O. Box 612, Evarts, Kentucky 40828
Title Address

Issued by authority of an Order of the Public Service Commission of Kentucky
No. _____ dated _____

FOR _____

P.S.C. Ky. No. _____

Sheet No. _____

Black Mountain Utility District (Water)

Cancelling P.S.C. Ky. No. _____

Sheet No. _____

RULES AND REGULATIONS

BLACK MOUNTAIN UTILITY DISTRICT
PO BOX 612
EVARTS KY 40828

FIRST CLASS MAIL
U.S. POSTAGE PAID

EVARTS KY
PERMIT NO. : 10

ADDRESS CORRECTION REQUESTED

Presorted First-Class

ACCOUNT
SERVICE AT
CLASS
DATES

02-0111
COXTON LOOP
RESIDENTIAL

04/25/97

BILL DATE
NET BILL

04/25/97
28.56

SERVICE DISCONTINUED
PLEASE REMIT!!

SVC.	PREVIOUS	CURRENT	USAGE	CODE
PREVIOUS BALANCE			28.56	

GROSS BILL
DUE AFTER

RETURN STUB WITH PAYMENT

GROSS
DUE
AFTER

BLACK MTN. U
P.O. BOX 61

BYNUN288 408312004 1497 04/29/97
RETURN TO SENDER
BYNUN ANITA
PO BOX 1124
HARLAN KY 40631-1124

ENCLOSE THIS STUB
WHEN PAYING BY MAIL
FOR PROPER CREDIT

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

JUN 04 1997

PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: Jordan C. Neel
FOR THE PUBLIC SERVICE COMMISSION

SERVICE
CODES: WT = WATER
SWR = SEWER
GS = GAS

CODES:
E = ESTIMATED
M = METER CHANGE
F = FINAL BILL

NOT RESPONSIBLE FOR MAIL DELIVERY

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DATE OF ISSUE _____
Month Day Year

DATE EFFECTIVE _____
Month Day Year

ISSUED BY _____
Name of Officer Title Address